

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

Letters Patent of:

Kazutaka NAKAMOTO et al.

Patent No.: 7,932,272 B2

Confirmation No.: 9930

Issued: April 26, 2011

Art Unit: 1625

For: NOVEL ANTIFUNGAL AGENT  
CONTAINING HETEROCYCLIC  
COMPOUND

---

Examiner: Patricia L. Morris

**REQUEST FOR CERTIFICATE OF CORRECTION**  
**PURSUANT TO 35 U.S.C. 254 AND 37 C.F.R. 1.322 (PTO MISTAKE)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Upon reviewing the above-identified patent, the errors shown in the attached PTO/SB/44 were noted. Specifically, correction of the title as follows is required:

On the Title Page, at section (54), and at column 1, lines 1-2, correct the title to read as follows:

**--NOVEL ANTIFUNGAL AGENT CONTAINING HETEROCYCLIC COMPOUND--.**

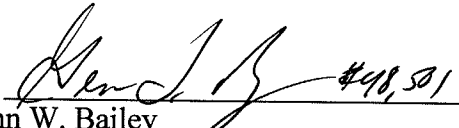
The mistakes were the fault of the PTO as evidenced by the attached copies of the Declaration filed with the application and Official Filing Receipt (see page 2 thereof).

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: **JUL 13 2011**

Respectfully submitted,

By  #48,581  
John W. Bailey  
Registration No.: 32881  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000

Attachments

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,932,272 B2  
APPLICATION NO. : 10/573,890  
ISSUE DATE : April 26, 2011  
INVENTOR(S) : Kazutaka NAKAMOTO et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page, at section (54), correct the title to read as follows:

-- NOVEL ANTIFUNGAL AGENT CONTAINING HETEROCYCLIC COMPOUND --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

John W. Bailey  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747

BIRCH, STEWART, KOLASCH & BIRCH, LLP

JWB/ETP/slb

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT AND DESIGN APPLICATIONS**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

NOVEL ANTIFUNGAL AGENT CONTAINING HETEROCYCLIC COMPOUND

the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:

Fill in Appropriate  
Information -

The specification was filed on \_\_\_\_\_ as United States Application Number \_\_\_\_\_ ;  
and amended on \_\_\_\_\_ (if applicable) and/or

For Use Without  
Specification  
Attached:

the specification was filed on September 27, 2004 as PCT International Application Number PCT/JP2004/014063 ;  
and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)**Insert Priority  
Information  
(if appropriate)

		Priority Claimed	
<u>2003-342273</u>	<u>Japan</u>	<u>September 30, 2003</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	
<u>2004-068186</u>	<u>Japan</u>	<u>March 10, 2004</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
Application(s):  
(if any)

(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)
_____	_____

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested  
Information  
(if appropriate)

Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
Application(s):  
(if any)

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
_____	_____	_____
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
_____	_____	_____

Attorney Docket No. \_\_\_\_\_

**COPY**

I hereby appoint the practitioners at CUSTOMER NO. 02292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

CUSTOMER NO. 02292 (BIRCH, STEWART, KOLASCH & BIRCH, LLP)  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor →  
Insert Date This  
Document is Signed  
Insert Residence  
Insert Citizenship →

GIVEN NAME/FAMILY NAME Kazutaka NAKAMOTO	INVENTOR'S SIGNATURE <i>Kazutaka Nakamoto</i>	DATE* March, 01, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-shi, Ibaragi 300-2635, Japan		

Insert Post Office  
Address →

Full Name of Second  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Itaru TSUKADA	INVENTOR'S SIGNATURE <i>Itaru Tsukada</i>	DATE* March, 01, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

Full Name of Third  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Keigo TANAKA	INVENTOR'S SIGNATURE <i>K. Tanaka</i>	DATE* March, 1, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Masayuki MATSUKURA	INVENTOR'S SIGNATURE <i>M. Matsukura</i>	DATE* March 01, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

Full Name of Fifth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Toru HANEDA	INVENTOR'S SIGNATURE <i>Toru Haneda</i>	DATE* March 01, 2006
Residence (City, State & Country) Kamisu-shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Kashima Plant, EISAI CO., LTD., 22, Sunayama, Kamisu-shi, Ibaraki 314-0255, Japan		

COPY

Full Name of Sixth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Satoshi INOUE	INVENTOR'S SIGNATURE <i>Satoshi Inoue</i>	DATE* March 1, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

Full Name of Seventh  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Norihito UEDA	INVENTOR'S SIGNATURE <i>Norihito Ueda</i>	DATE* March 8, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

Full Name of Eighth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Shinya ABE	INVENTOR'S SIGNATURE <i>Shinya Abe</i>	DATE* March 1, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

Full Name of Ninth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Katsura HATA	INVENTOR'S SIGNATURE <i>Katsura Hata</i>	DATE* March 1, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

Full Name of Tenth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Naoaki WATANABE	INVENTOR'S SIGNATURE <i>N. Watanabe</i>	DATE* Mar. 1, 2006
Residence (City, State & Country) Tsukuba-Shi, Ibaraki, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Tsukuba Research Laboratories, Eisai Co., Ltd. 1-3, Tokodai 5-chome, Tsukuba-Shi, Ibaraki, 300-2635, JAPAN		

\*DATE OF SIGNATURE

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/573,890	03/29/2006	1752	4400	3939-0118PUS1		40	3

CONFIRMATION NO. 9930

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA22040-0747

FILING RECEIPT

Date Mailed: 02/05/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kazutaka Nakamoto, Tsukuba-Shi, JAPAN;  
Itaru Tsukada, Tsukuba-Shi, JAPAN;  
Keigo Tanaka, Tsukuba-shi, JAPAN;  
Masayuki Matsukura, Tsukuba-Shi, JAPAN;  
Toru Haneda, Kamisu-shi, JAPAN;  
Satoshi Inoue, Tsukuba-Shi, JAPAN;  
Norihiro Ueda, Tsukuba-Shi, JAPAN;  
Shinya Abe, Tsukuba-Shi, JAPAN;  
Katsura Hata, Tsukuba-Shi, JAPAN;  
Naoaki Watanabe, Tsukuba-Shi, JAPAN;

**Power of Attorney:** The patent practitioners associated with Customer Number 02292

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/JP04/14063 09/27/2004

**Foreign Applications**

JAPAN 2003-342273 09/30/2003  
JAPAN 2004-068186 03/10/2004

**If Required, Foreign Filing License Granted:** 01/31/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/573,890**

**Projected Publication Date:** 05/10/2007

COPY

Non-Publication Request: No

Early Publication Request: No

Title

Novel antifungal agent containing heterocyclic compound

Preliminary Class

430

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

### LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier

COPY



license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

COPY